IN THE HIGH COURT OF BOMBAY AT GOA

SECOND APPEAL NO. 57 OF 2003

SMT. MARIA F. DE SOUZA ZUZRATE, PANAJI-GOA 2 ANR., ...Appellants

Versus

SHRI KAMRUDDIN ALIBHAI VELJEE, PANAJI-GOA 2 ANR., ...Respondents

SHRI P.P. SINGH,SHRI A.D.BHOBE,R.1(C)

Coram:- R. J. KOCHAR, J.

Date:- 5th December, 2003

P.C.:

Heard. Mr. Singh contends that a substantial question of law arises in this appeal as to whether a person can enjoy the area in excess of the area purchased by him by way of a Sale Deed executed in his favour? To my mind, however, having regard to the concurrent finding of fact returned by the Courts below and in particular, the discussion in paragraph 9 of the impugned Judgment, the question as posed will not arise for consideration. On the other hand, the finding of fact returned by the Court below is that since 1962 the disputed portion is in possession and enjoyment of the respondents. Hence, no case for interference. Rejected.

R. J. KOCHAR, J.